

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America

)

v.

)

) Case No.

MICHAEL SAVARD

)

May 19 MJ 451

)

)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 20 through June 6, 2019 in the county of HAMILTON in the  
Southern District of Ohio, the defendant(s) violated:

*Code Section*

*Offense Description*

18 U.S.C. § 666

Theft or bribery concerning programs receiving Federal funds

This criminal complaint is based on these facts:

See Attached Affidavit

Continued on the attached sheet.



Complainant's signature

SA CHAD ADOLPH, IRS-CI

Printed name and title

Sworn to before me and signed in my presence.

Date:

6/6/19



Judge's signature

City and state:

Cincinnati, OH

HON. KAREN L. LITKOVITZ

Printed name and title

**AFFIDAVIT IN SUPPORT OF**  
**COMPLAINT**

I, Chad A. Adolph, a Special Agent with the United States Treasury Department Internal Revenue Service, Criminal Investigation (IRSCI) hereinafter referred to as the affiant, being duly sworn, depose and state as follows:

**I. INTRODUCTION**

1. I am and have been a Special Agent (SA) with the United States Treasury Department, Internal Revenue Service, Criminal Investigation, for over fifteen years. I received training in accounting, financial, and money laundering investigative techniques at the Federal Law Enforcement Training Center. I have also attended multiple seminars on money laundering and other financial schemes. My duties as a special agent include investigating potential criminal violations of Title 26 (Internal Revenue Code), Title 18 (money laundering and related specified unlawful activities such as narcotics trafficking, wire fraud, and public corruption) and Title 31 (Bank Secrecy Act) of the United States Code. I am currently assigned to Organized Crime Drug Enforcement Task Force investigations. As a Special Agent, I have personally written many search and seizure warrant affidavits and conducted numerous criminal financial investigations as well as public corruption investigations along with agents from other agencies and Task Force Officers (TFOs) from other departments.

2. This affidavit is made in support of a criminal complaint for MICHAEL SAVARD (SAVARD) for violation of 18 U.S.C. § 666. Your affiant is aware that whoever being an agent of a local government or government agency corruptly solicits or demands for the benefit of any person, or accepts or agrees to accept, anything of value from any person, intending to be influenced or rewarded in connection with any business, transaction, or

series of transactions of such government or government agency involving anything of value of \$5,000 or more, where that government has received, in the twelve month period preceding or following the offense conduct, benefits in excess of \$10,000 under a Federal program involving a grant, contract, subsidy, loan, guarantee, insurance or other form of Federal assistance, has violated 18 U.S.C. § 666 (a)(1)(B).

3. Because of my personal observations and participation in this investigation and information provided to me by other officers and TFOs, I am familiar with facts and circumstances of this investigation. This affidavit is intended to show only that there is sufficient probable cause for the requested criminal complaint and does not set forth all of my knowledge of this matter.

## II. Probable Cause

### BACKGROUND OF INVESTIGATION

4. Together with the Cincinnati Police Department (CPD), the United States Treasury Department IRS-CI has been investigating SAVARD for various criminal offenses related to financial benefits received by SAVARD as a result of his employment with CPD. Savard has been with the Cincinnati Police Department for twenty-five (25) years. Savard has been a Captain with CPD for approximately two (2) years overseeing the Special Services Section. Savard was a Lieutenant with CPD for approximately fourteen (14) years. As a lieutenant, Savard was assigned to multiple districts over the span of those fourteen years.

5. On May 29, 2019, your affiant and CPD TFO Colin Vaughn interviewed a CPD Sergeant (CPD1). During the course of the interview, CPD1 explained that CPD1 had learned that SAVARD had been placed on administrative duties at CPD and that there was an ongoing federal investigation. CPD1 explained that on May 17, 2019, CPD1 received a

text message from a telephone number which CPD1 did not recognize. The message read, "When does the Lts list expire?" CPD1 responded via a text reading, "July 1<sup>st</sup>....." CPD1 received a second text that read, "How about Sgt?" CPD1 responded with a text that read, "June 3<sup>rd</sup>." CPD1 received a third text message that read, "Okay.....stop up and see me at Records Monday after 1." CPD1 responded with a text message that read, "I'm so sorry....I'm not sure who this is...." CPD1 received a text message in response that read, "Mike Savard." On May 20, 2019, CPD1 received a text message which read, "Hey, can you make it at 1100 at Records," to which CPD1 responded via text which read, "Yes sir...I'll be there at 11:00....." Your affiant has seen all of the above texts.

6. On May 20, 2019, CPD1 met SAVARD at the Records department of CPD located at 801 Linn Street, Cincinnati, Ohio. During the meeting, SAVARD told CPD1 that SAVARD was going to work out a deal to plead guilty to federal charges and that SAVARD was thinking of retiring in July. SAVARD told CPD1 that SAVARD would be willing to retire earlier in June if CPD1 paid SAVARD \$5,000. SAVARD told CPD1 if CPD1 paid the money to SAVARD and SAVARD took action to retire it would guarantee CPD1 would be promoted to Lieutenant.

7. Your affiant has learned that officers within CPD are promoted using procedures developed by the City of Cincinnati Civil Service Commission. Officers wishing to be considered for positions and be promoted must submit to a written examination and promotions are based at least in part upon their score on that civil service promotional exam. The exam is administered when a position vacancy occurs within CPD. Those who take the examination are ranked based upon numerical score and then placed on a Promotional Eligible List (PEL). Promotion to the next rank is awarded in order of the

ranking that is generated on the PEL. Once an officer is promoted to the next rank, the list from which that officer was promoted from is used for promotions to that rank for a limited period of time, which your affiant has learned is one year from the date of the first promotion from the list. After the [one year] time period from the first promotion from the list occurs, the list expires and thereafter, any officer(s) wishing to be promoted to that next rank must take the examination for the desired position, and a new PEL is then generated, which could cause officers on a previous PEL to drop in rank of eligibility.

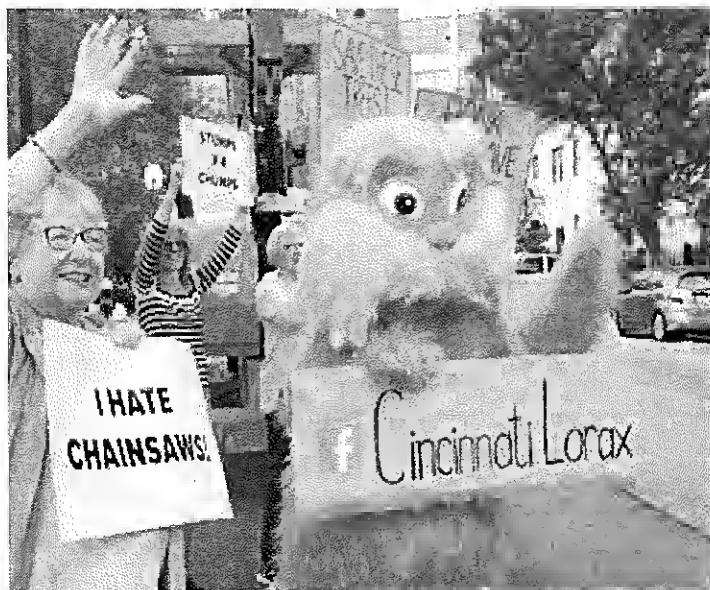
8. Your affiant has reviewed the Police Lieutenant PEL, which was approved June 7, 2018. Your affiant has learned that the first Sergeant promoted to Lieutenant from this PEL was promoted July 1, 2018, and based upon that promotion the expiration date of the PEL was set at July 1, 2019. Your affiant has learned that since July 1, 2018, several Sergeants have been promoted to the rank of Lieutenant, with the result that CPD1 is the next Sergeant eligible for promotion to the rank of Lieutenant.

9. On May 30, 2019, CPD1 met SAVARD at 801 Linn Street, Cincinnati, Ohio. The meeting was audio-recorded and your affiant has listened to the recording. CPD1 told SAVARD that \$5,000 is a lot of money and SAVARD responded that CPD1 would make it up in six months. During the meeting, SAVARD told CPD1 that CPD1 may never have another chance (to get promoted). SAVARD told CPD1 that CPD1 would make the money up in a heartbeat and would set CPD1 up for Captain. CPD1 told SAVARD that if CPD1 did pay, CPD1 wanted to be sure SAVARD would indeed retire, and SAVARD assured CPD1 that, "if we work this out," SAVARD would leave June 21<sup>st</sup>. SAVARD told CPD1 that if CPD1 paid SAVARD he would retire and CPD1 would be Lieutenant. SAVARD indicated that he had intended to retire "at the end of July," which is after the period during

**From:** David P. Little <dplittle@fuse.net>  
**Sent:** Friday, June 07, 2019 12:58 PM  
**To:** David P. Little  
**Subject:** Rally to Save the Lytle Park Trees--Today at Five O'clock  
**Attachments:** 20190604\_070818 (3).jpg

**Media Advisory: Friday, June 7<sup>th</sup> 5:00—6:30 P.M.**  
**Location: The famed Lytle Park on 4<sup>th</sup> Street, downtown Cincinnati**

## **CINCINNATI LORAX AGAIN LEADS CONTINUING PROTESTS OF PARK BOARD'S TREE-KILLING DECISION**



Citizens, neighbors and supporters of urban environmental sanity will gather again this evening to make it clear that the Park Board's wrongful decision to chop down four lovely fifty year old London Plane trees cannot stand.

The protesters will gather around one of the threatened trees, directly across from the Residence Inn on 4<sup>th</sup> Street, a hotel which is operated by proponents of destroying the current beautiful green canopy and replacing it with vastly inferior "saplings".

The defenders of the mature trees have vowed to continue their battle until the future of these valued trees are guaranteed by the city and the Park Board so that all of the citizens of the Queen City may enjoy them for another 50 years.

<https://www.cincinnati.com/story/news/2019/06/06/fate-four-lytle-park-trees-issue-downtown-development-fight/1366387001/>

### **BACKGROUND OF THE CONTROVERSY**

Lytle Park is in the *Lytle Park Historic District*. Historic District guidelines clearly state: “DO NOT CUT DOWN MATURE, HEALTHY TREES.”

Consistent with this requirement, the Cincinnati Park Board last year decided to retain the four trees, estimated to be about 50 years old. In late December 2018, Parks Director Wade Walcutt told the Park Board: “Keeping these trees reflect the Park Board’s conservation mission, community feedback and represent alignment with the Lytle Park Historic District.”

As Jim Burkhardt, a Parks Department division manager, said: “*The London Plane trees at Lytle are in very good health.* We are able to and do water those trees as needed and fertilize them. I would estimate at least 50 more years of useful life for these trees.” According to Steve Schuckman, another Parks Department division manager: “*This is something we (Park staff and the design team) have also wanted to do – keep these four trees.*”

But along came Mario San Marco, a vice president of **Western & Southern**, which donates to the **Cincinnati Parks Foundation**. San Marco demanded that the trees be “removed,” calling the Park Board’s decision to retain them “very disturbing” and contrary to original plans and Western & Southern’s wishes. After officials from Western & Southern spoke with Park Board President Brad Lindner, the Park Board relented.

On March 11, the matter went before the Cincinnati Historic Conservation Board, which must approve changes to Lytle Park because it is in the Lytle Park Historic District. After witnesses from Western & Southern and its affiliate Eagle Realty made exaggerated claims about the stately trees—for example, one falsely said they are “scraggly”—the Historic Conservation Board approved removal of the trees. That ruling is on appeal before the **Cincinnati Zoning Board of Appeals**.

The Zoning Board of Appeals will hear this case on **Friday, June 14, at 9 a.m. at 805 Central Avenue, Room 500**. The hearing is open to the public.

**Contact: Paul De Marco, Attorney for the Appellants, 513-470-0369**

**Facebook: Cincinnati Lorax**

**David P. Little**  
*Public Policy Communications Consultant*  
*Cincinnati, Ohio*  
**513.477.2651**  
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Our lives begin to end the day we  
become silent about things that matter.  
M.L.K., Jr.

which CPDI would be eligible for a promotion to Lieutenant. CPDI asked if he could pay with money order, but SAVARD stated he wanted cash. CPDI reiterated that \$5,000 was a lot of money and SAVARD responded that CPDI needed to look at the sixteen percent more in pay which CPDI would receive for however long CPDI remained at CPD, which could result in CPDI receiving \$150,000 to \$200,000 more over the course of eight years. CPDI asked SAVARD for a few days to get the \$5,000 together. SAVARD then told CPDI that they don't talk about it anymore, that they don't discuss it, it's a done deal and that [as far as everyone else would be aware] CPDI never did anything, SAVARD never did anything, CPDI would get promoted to Lieutenant and SAVARD would get \$5,000.

10. On June 6, 2019, CPDI was provided \$5,000 in U.S. Currency, the serial numbers of which were documented. CPDI met SAVARD at 801 Linn Street, Cincinnati, Ohio. The meeting was audio-recorded. During the meeting, CPDI provided SAVARD \$5,000 cash. After CPDI provided SAVARD the \$5,000, SAVARD was arrested and the cash bearing the serial numbers provided to CPDI was recovered from SAVARD.

11. Your affiant is aware that the City of Cincinnati government, by whom SAVARD is employed as a sworn police Captain, has received, in the twelve month period preceding the offense conduct outlined herein, in excess of \$10,000 in benefits under a Federal program involving a grant, contract, subsidy, loan, guarantee, insurance or other form of Federal assistance. Based upon your affiant's participation in this investigation, your affiant respectfully submits the aforementioned facts provide probable cause to find that SAVARD is in violation of 18 U.S.C. § 666.

I hereby declare that the foregoing is true and correct to the best of my knowledge and belief, pursuant to the investigation conducted on this case.



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Chad A. Adolph  
Special Agent  
United States Treasury, IRSCL

Subscribed and sworn before me this 6th day of June, 2019 in Cincinnati, Ohio.



Honorable Karen L. Likovitz  
United States Magistrate Judge  
Southern District of Ohio